Registered—No. M. 1175.

The Mysore Gazette.

Vol. 61.] PUBLISHED BY AUTHORITY. [No. 16.

BANGALORE, THURSDAY, APRIL 22, 1926.

PART I.

IMPORTANT GOVERNMENT ORDERS.

CHIEF SECRETARIAT.

Recovery of Arrears of Rent.

READ—

Para 3 of Government Order No. R. 597-606—L. R. 52-22-22, dated the 25th July 1924, issuing instructions for guidance of Revenue Officers for the improvement of Inam villages taken under Government management stating *inter alia* that the arrears that accrued after the village is taken under Government may be recovered by summary procedure unless the amounts are barred by limitation, the period of limitation being at present 12 years.

2. Government Order No. R. 28-48—L. R. 482-17-42, dated 2nd July 1925, passing orders on the Inam Commission report and defining among other matters the conditions under which Inam villages may be taken over by Government for management.

3. *Letter No. C. 899—22-23, dated the 10th December 1925, from the Revenue Commissioner in Mysore, soliciting instructions in the matter of the period of limitation for the recovery of arrears of rent due from an inferior holder in Inam villages under Government management.

*(Printed as annexure.)

ORDER No. R. 5085-93—L. R. 339-22-4, DATED 9TH APRIL 1926.

1. Government are pleased to issue the following instructions for the guidance of Revenue Officers on the several points raised by the Revenue Commissioner in the letter read above.

2. Inam villages under Government management may, for the purposes of this reference be divided into two classes as follows :—

(i) Inam villages attached and taken under Government management for the recovery of arrears of Government revenue under Section 165, Land Revenue Code.

(ii) Inam villages which may be taken up temporarily under the management of Government (under Section 120, Land Revenue Code) under the Government Order of 8th February 1911, or the Government Order of 2nd July 1925, on the application of the Inamdars and estates belonging to the Palace and to the encumbered Inamdars, under Government management.

3. In the first case the village reverts by the attachment to Government, free of encumbrances (Section 166, Land Revenue Code). The village is thereby restored temporarily to its original condition of an unalienated village. So, as regards the assessment due by an inferior holder to the superior holder accruing after the assumption of the management, no question of limitation for their recovery by Government by summary process arises and they can be recovered by summary process under the Land Revenue Code, without any limit of time. But in the second category of villages, Government only succeed to the place of the Inamdar, and have no more powers than what the Inamdar possessed and the arrears for 2 years only, can be recovered by Government by summary process, while the arrears of more than 2 years have to be recovered by Civil suit, unless time-barred, the period of limitation applicable in such cases, being 6 years as per Section 119 A of the Limitation Regulation.

4. In respect of the arrears outstanding at the time of assumption of Government management, the position is the same in both the first and second classes of cases, and Government may on the application of the Inamdars under Section 97, Land Revenue Code, collect only the last two years' arrears, by summary process, while the arrears of the previous years, have to be recovered by or at the instance of the Inamdars, by filing Civil Suits against the tenants.

P. G. D'SOUZA,
Chief Secretary to Government.

ANNEXURE.

Letter No. C. 899—22-23, dated 8th—10th December 1925, from the Revenue Commissioner in Mysore, to the Secretary to the Government of His Highness the Maharaja of Mysore, Revenue Department.

Adverting to Government Order No. R. 597-606—L. R. 52-22-22, dated 25th July 1924, giving certain instructions in connection with Inam villages under the mangement of Government, and in continuation of my letter No. C. 899—22-23, dated 30th November 1925, promising a report in this connection, I have the honour to state as follows:—

2. It appears very necessary to draw a clear distinction between Inam villages which are attached and taken under Government management for default in the payment of revenue under Section 165, Land Revenue Code, and villages which may be taken temporarily under Government management for other reasons as contemplated in Section 120, Land Revenue Code; as for instance under the Government Order No. R. 4558-68—L. R. 384-09-3, dated 8th February 1911 on the application of the Inamdars, Estates belonging to the Palace, to certain encumbered inamdars, to certain mutts, temples, etc.

3. With regard to villages coming under the first category, it has been laid down in Section 166, Land Revenue Code, that the lands of such villages revert to Government free of all encumbrances. This aspect of the law has been specially emphasised in Government Order No. R. 5762—L. R. 360-14-8, dated 11th December 1915, regarding the proposed restoration to the Inamdars of the Kudlur village which had been brought under Government management on account of default in payment of Government dues. In this Government Order, it is pointed out that the reversion of the Inam to Government in such circumstances temporarily restores it to its original condition of an unalienated village, and that dues accruing from the inferior holders during the term of management are not strictly speaking, rent, but Land Revenue carrying with it all the incidents attached thereto, and that therefore the question of any Limitation of time for recovery by summary process cannot arise.

4. The previous orders on the subject were not in consonance with this view. In the Government Orders of 3rd December 1907, and 28th August 1906 (Page 373, Land Revenue Manual, Volume I), it is observed that when an inam village is taken under Government management, Government only succeed to the rights and liabilities for the inamdar subject to the reservations mentioned in Clause I of Section 166, Land Revenue Code, and also that the words "Public Revenue" mentioned in that clause cannot be taken to mean arrears of rent due from the inferior holders to the inamdar without limit of time. In the case of the Kudlur village, referred to above, the Deputy Commissioner of Bangalore was of opinion presumably following these Government Orders—that the assessment due to an inamdar from his tenants could not be recovered by summary

process if it related to more than two years even though the village was under Government management. But Government in their order of 11th December 1915 already cited, held that this view was manifestly incorrect.

5. The Government Order of 25th July 1924 however states that arrears that accrue after the village is taken under Government management may be recovered by summary procedure, if not barred by limitation, the period of which is mentioned as 12 years. Neglecting the actual period of limitation for the present, it will be seen that position taken up is neither that of the Government Orders of 28th August 1906 and 3rd December 1907, nor that of the Government Order of 11th December 1915, for according to the former only two years' dues can be recovered summarily while according to the latter, there will be no limitation at all during the period of Government management.

6. The period of limitation is in my opinion applicable only to cases of recovery by Civil Suit of dues which are not recoverable summarily. I therefore submit that the view taken in the Government Order of July 1924 requires modification.

7. As for the actual period of limitation in such cases, it has been specifically fixed at 6 years in 119 (a) of the first Schedule of the Limitation Regulation (IV of 1911); and not 12 years as stated in the Government Order of 1924.

8. The position with regard to villages coming under the second category is somewhat different and it cannot be held that Government have any more powers than the Inamdar possessed. If this view is correct then, during the term of Government management, only the dues for two years can be recovered summarily, while dues which exceed that period but are within 6 years will have to be recovered by Civil Suit.

9. As regards arrears of years prior to the villages coming under Government management in both categories, the rules are clear, *i. e.*, that no responsibility rests with Government, but that Government may summarily collect the dues for the immediately previous two years on the application of the Inamdars, just as they would do if Government had not taken over the management (*vide* Government Orders of 22nd March 1919 and 25th July 1924).

10. I request that Government may be pleased to reconsider the whole question and issue suitable orders for the guidance of all concerned.

Rent for the occupation of Bungalows on the Nandi Hill.

READ—

Government Order No. G. 1825-84—G. M. 34-21-14, dated 26th January 1923, passing orders on the revised rates for occupation of bungalows on the Nandi Hill.

2. Government Order No. I. C. 2643-6—A. & E. 395-24-3, dated the 22nd October 1925, directing, among other things, that the Superintendent, Government Gardens, may submit definite proposals for reducing the rates of rent for the occupation of rooms on the Nandi Hill, during the off season.

3. Letter No. 288, dated the 24th February 1926, from the Superintendent, Government Gardens, submitting his proposals in the matter as called for in the Government Order read above.

4. Letter No. 321, dated 4th March 1926, from the same officer, recommending, in continuation of the letter read above, that the rule, *viz.*, "Except in Sankey's Bungalow, no occupier will be charged any additional fee for accommodating his wife and two children under ten years of age in his suite of rooms", be relaxed to admit four children under fifteen years of age.

ORDER NO. I. C. 6883-939—A. & E. 253-25-3, DATED 6TH APRIL 1926.

The Superintendent, Government Gardens, has submitted certain proposals for revising the rates of rent for occupation in respect of the different bungalows during the season and the off season respectively and for allowing concession rates in the case of school children going to the Hill Stations during the off season.

2. Government are pleased to approve of the proposals. The revised rates and concessions as approved are appended to this order.

R. RANGA RAO,
Secretary to Government,
Medical and Agricultural Departments.